

# HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT AND CORRESPONDENCE ADDRESS

Application Number	10/675,580
Filing Date	September 30, 2003
First Named Inventor	Hassan Serhan
Confirmation Number	9958
Group Art Unit	3732
Examiner Name	not assigned
Attorney Docket Number	3518.1010-000

Title VERTEBRAL FUSION DEVICE AND METHOD FOR USING SAME

I/We hereby appoint

☒ the attorneys/agents associated with Customer No. 021005

☐ Practitioner(s) named below:

as my/our attorneys/agents to prosecute the application identified above, including any continuation or divisional applications thereof, and to transact all business in the United States Patent and Trademark Office connected therewith.

The correspondence address for the above-identified application is:

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☐ Other

Please direct all telephone calls and facsimiles to:

Name N. Scott Pierce, Esq. Tel. No. 978-341-0036 Fax No. 978-341-0136

I am the:

☐ Applicant/Inventor.

☒ Authorized representative of the Assignee, DePuy Spine, Inc., of the entire interest. See 37 C.F.R. § 3.71. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

☐ Authorized representative of the Assignee, [ ], together with [ ], of the entire interest. A Statement under 37 C.F.R. § 3.73(b) is enclosed.

### SIGNATURE of Applicant or Assignee of Record

Name & Title Thomas M. DiMauro, Esq., Patent Attorney and Assistant Secretary of DePuy Spine, Inc.

Signature

*Thomas M. DiMauro*

Date

2-24-04



Docket No. 3518.1010-000 (DEP 5077)

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: Hassan Serhan, Michael Slivka and Thomas M. DiMauro

Application No.: 10/675,580 Filed: September 30, 2003

For: VERTEBRAL FUSION DEVICE AND METHOD FOR USING SAME

DePuy Spine, Inc., a corporation  
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 2.24.04

Name: Thomas M. DiMauro

Title: Patent Attorney and Assistant Secretary  
of DePuy Spine, Inc.

Signature: 

ASSIGNMENT

**COPY** <sup>Joint</sup>

WHEREAS, we, **Hassan Serhan, Michael Slivka, and Thomas M. DiMauro**, have invented a certain improvement in **VERTEBRAL FUSION DEVICE AND METHOD FOR USING SAME** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/675,580**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. [    ], which designates the United States of America;
- ☐ which was patented under United States Patent No. [    ].

WHEREAS, **DePuy Spine, Inc.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Ohio**, and having a usual place of business at **325 Paramount Drive, Raynham, Massachusetts 02767** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;


AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the

execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: \_\_\_\_\_

  
Hassan Serhan

State/Commonwealth \_\_\_\_\_

of Massachusetts

County of Bristol

Then personally appeared before me the above-named **Hassan Serhan** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 4<sup>th</sup> day of February, 2004.

(SEAL)

Karen M. Day Notary Public  
Karen M. Day (print name)  
My Commission expires 9 / 17 / 2010

Inventor's Signature: \_\_\_\_\_

*Michael Slivka*  
Michael Slivka

State/Commonwealth

of Massachusetts

County of Bristol

Then personally appeared before me the above-named **Michael Slivka** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 29<sup>th</sup> day of January, 2004.

(SEAL)

*Karen M. Day* Notary Public  
KAREN M. DAY (print name)  
My Commission expires 9 / 17 / 2010

Inventor's Signature: \_\_\_\_\_

*Thomas M. DiMauro*  
Thomas M. DiMauro

1-29-04

State/Commonwealth

of Massachusetts

County of Bristol

Then personally appeared before me the above-named **Thomas M. DiMauro** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 29<sup>th</sup> day of January, 2004.

(SEAL)

*Karen M. Day* Notary Public  
KAREN M. DAY (print name)  
My Commission expires 9 / 17 / 2010